

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARK ANTHONY JOHNSON,

Petitioner,

Case No. 2:16-CV-16

v.

HON. GORDON J. QUIST

JEFFREY WOODS,

Respondent.

ORDER ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Timothy Greeley's December 13, 2016, Report and Recommendation recommending that Respondent's motion to dismiss be denied and that the Court order Petitioner to show cause why he is entitled to a stay of these proceedings. The Report and Recommendation was duly served on the parties on December 13, 2016. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore the Court will adopt the Report and Recommendation.

THEREFORE, IT IS HEREBY ORDERED that the December 13, 2016, Report and Recommendation (ECF No. 18) is approved and adopted as the Opinion of the Court, and Respondent's Motion to Dismiss (ECF No. 14) is **DENIED**.

IT IS FURTHER ORDERED that within **twenty-eight (28) days** of the date of this Order, Petitioner shall show cause why he is entitled to a stay of these proceedings in order to exhaust his unexhausted claims in state court. Petitioner must show: (1) good cause for failing to exhaust prior to filing his habeas petition; (2) that his unexhausted claims are not plainly meritless; and (3) that he has engaged in intentionally dilatory litigation tactics.

If Petitioner fails to make the required showing or fails to file a timely response to this Order, the Court will review only Petitioner's exhausted claims (Claims I and II). Alternatively, Petitioner may file an amended petition setting forth only his exhausted claims.

Dated: January 6, 2017

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE